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November 16, 2022

Hon. Jennifer L. Rochon, U.S.D.J.  
United States Courthouse  
500 Pearl Street  
New York, New York 10007

Re: *FD Special Opportunities V, LLC et al v. Silver Arch Capital Partners LLC et al, 21-cv-00797(JLR)(OTW)* - Motion to Seal/Redact Filing

Dear Judge Rochon:

The Court's November 9, 2022 Order [Dkt. No. 122], requires that on or before November 16, 2022, Plaintiffs submit supplemental information identifying the members of the Plaintiff limited liability companies and trusts, and of those entities' members, and alleging the citizenship of same. Plaintiffs are preparing the required supplemental declaration to be filed later today.

Plaintiffs respectfully request permission to file the supplemental declaration under seal, or in the alternative, to redact the names of members and members' members, through the chain of ownership. *See Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119–20 (2nd. Cir. 2006) (holding the presumption in favor of public access can be outweighed by competing considerations, such as “the privacy interests of those resisting disclosure”). The confidential nature of the personal financial information to be provided concerns non-parties to this suit who have a substantial interest in keeping such information private.

If the Court does not rule on this motion before the deadline to make Plaintiffs' submission, Plaintiffs will file the submission normally but seek leave to re-file under seal, to the extent the Court later grants this request.

**Meet and Confer** – Counsel for Plaintiffs conferred with counsel for Defendants via email on November 15, 2022, who have no objection to this request.

Respectfully,

/s/ Michael Avery

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Request **DENIED**. Pursuant to the Court's Standing Order 19-mc-00583 and Individual Rule of Practice 4(B), a party moving to file a document under seal must, at the same time as the motion, file the proposed sealed document under seal on ECF and electronically related to the motion. Similarly, under Individual Rule 4(B), a party moving to file a document in redacted form must, at the same time as the motion, (a) publicly file the document with the proposed redactions, and (b) file under seal a copy of the unredacted documents with the proposed redactions highlighted. Plaintiffs have not done so here. If Plaintiffs wish to move to file a document under seal or in redacted form, they shall follow all applicable rules and case law. *See Bernstein v. Bernstein Litowitz Berger & Grossmann LLP*, 814 F.3d 132 (2d Cir. 2016); *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110 (2d Cir. 2006).

Dated: November 16, 2022  
New York, New York

**SO ORDERED**

  
JENNIFER L. ROCHON  
United States District Judge